



THE LAW SOCIETY
OF NEW SOUTH WALES

Our ref: HRC/ELC/GUgc:1069502

6 January 2016

Mr Michael Brett Young
Secretary General
Law Council of Australia
DX 5719
CANBERRA

By email: simon.henderson@lawcouncil.asn.au

Dear Mr Brett Young,

Inquiry into the Fair Work Amendment (Gender Pay Gap) Bill 2015

I write on behalf of the Employment Law Committee ("ELC") and Human Rights Committee ("HRC") of the Law Society of NSW ("Committees"), which are responsible for representing the Law Society on employment law and human rights issues as they affect people in NSW.

The Committees thank you for the memorandum dated 30 November 2015 inviting input on the Fair Work Amendment (Gender Pay Gap) Bill 2015 (Cth) ("Bill").

The Bill proposes to amend the *Fair Work Act 2009* (Cth) to introduce a new provision stating that a term of a modern award, enterprise agreement or contract of employment has no effect to the extent that the term:

- prohibits an employee from disclosing the amount of, or information about, the employee's pay or earnings; or
- permits, or has the effect of permitting, an employer to take adverse action against an employee if the employee discloses the amount of, or information about, the employee's pay or earnings.

The Committees have reviewed the Bill and support the amendment as a useful mechanism to assist in addressing the gender pay gap within the Australian community.

The HRC is of the view that the Bill positively engages with Australia's human rights obligations under the *Convention on the Elimination of Discrimination Against Women* and the *International Covenant on Economic, Social and Cultural Rights*.

The Committees note that the Fair Work Ombudsman's *Gender Pay Equity Best Practice Guide* states that there are many benefits for business in achieving gender pay equity, including the following:

- Achieving fairness and respect in the workplace
- Creating a motivated, happy and productive workforce
- Becoming an employer of choice
- Attracting and retaining the best and brightest staff
- Improving staff retention and thereby reducing turnover costs
- Fulfilling a business' legal obligations
- Inspiring consumer confidence
- Preventing negative public relations issues arising from legal proceedings or allegations of gender pay inequity
- Avoiding a costly discrimination complaint
- Attracting government contracting opportunities.¹

This *Best Practice Guide* also notes that ensuring transparent remuneration policies and practices is an example of organisational best practice to achieving gender pay equity.

The Committees appreciate the opportunity to contribute to the Law Council's submission. If you have any queries please contact Gaby Carney at gaby.carney@lawsociety.com.au or on (02) 9926 0256.

Yours sincerely,



Gary Ulman
President

¹ Fair Work Ombudsman, *Gender Pay Equity Best Practice Guide No. 6* at 3.